

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 29 1993

FCC MAIL ROOM

Daniel Scott Dunham
5845 Park Ave.
Minneapolis, Mn 55417
(612) 369 4330

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: FD Docket No. 93 21 / FCC 93 77

RECEIVED

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To whom it may concern:

Enclosed please find an original and four copies of my comments
to the FCC's Inquiry into sports programming migration.

Thank you,



Daniel Scott Dunham

No. of Copies rec'd
List A B C D E

044

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 29 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RECEIVED

MAR 29 1993

FCC MAIL ROOM

response to

tion

Introduction

I am a sports fan. I am also a consumer whose welfare is sought to be improved through this inquiry. As an interested party, I am submitting comments on the relevant public policy and on the proposed measurement of

Additionally, as stated in paragraph 27 of the Notice , 95% of households currently have access to cable. The public interest in keeping sports on free television can be measured as the output of a function. One input to the function is the number of people with access to cable. Another input is the number of people who currently can afford to subscribe, but don't for other reasons. As the number of people with access to cable increases, the public interest in keeping sports on free broadcast television decreases. Therefore, this public interest is inseparable from the sports which are available on cable or pay-per-view.

In conclusion, I feel it is extremely important for the FCC to consider consumer welfare very broadly. Thus, the FCC should focus on affordable access to subscription media as well as free television.

The proposal to measure migration by comparing the total quantities

method attempts to do this by correctly distinguishing between regular season and post-season games.

This approach will probably work better with post-season games than with regular season games, but it is not without its problems.

Most important, there has been little, if any, migration of post-season

from free television. The Stanley Cup playoffs are the only

better, but it would add the facet of seeing trends in the individual mediums.

Conclusion

I would like to conclude by stating that the two assumptions made which must underly the analytical framework are not inconsistent with each other. These assumptions are in paragraph 9 of the Notice, that sports leagues and teams want to maximize net revenues and the protection of consumer welfare.

As stated above, the public interest in keeping sports on free television is the output of a function of several related factors. Two factors are the availability and cost of the medium. As more of the population has access to affordable subscription television, the public interest in keeping sports on free television diminishes.

I propose that the FCC should take no regulatory action, nor propose any legislation in regard to sports migration. The market forces will sufficiently act as a limitation on any excessive sports migration. Sports franchises and leagues rely on fan goodwill to survive. If a cable station offers a larger amount of money for the television rights to a team, the team will look at the number of people who have access to that medium before migrating. A team will not migrate if there will be excess adverse fan reaction. A team will migrate only when the public interest in keeping the events on free television is sufficiently low.